

**MINUTES OF THE REGULAR COUNCIL MEETING  
OF THE CITY OF KODIAK  
HELD APRIL 28, 2005,  
IN THE BOROUGH ASSEMBLY CHAMBERS**

**I. MEETING CALLED TO ORDER/PLEDGE OF ALLEGIANCE/INVOCATION**

Mayor Carolyn L. Floyd called the meeting to order at 7:30 p.m. Councilmembers Charles E. Davidson, Dennis A. McMurry, Josefina F. Rosales, Thomas D. Walters, and David M. Woodruff were present and constituted a quorum. Councilmember Gabriel T. Saravia was absent. City Manager Linda L. Freed, City Clerk Debra L. Marlar, and Deputy Clerk Patricia J. Kirkpatrick were also present.

After the Pledge of Allegiance, Salvation Army Captain Dave Davis gave the invocation.

**II. PREVIOUS MINUTES**

Councilmember Walters MOVED, seconded by Councilmember Woodruff, to approve the minutes of the April 14, 2005, regular meeting as presented.

The roll call vote was Councilmembers Davidson, McMurry, Rosales, Walters, and Woodruff in favor. Councilmember Saravia was absent. The motion passed.

**III. AGENDA AMENDMENT**

None

**IV. PERSONS TO BE HEARD**

**a. Proclamation: Declaring Kids Day America/International**

Councilmember Rosales read the proclamation, which dedicated May 14, 2005, to the efforts of Doctors of Chiropractic for helping to educate citizens on the importance of health, safety, and environmental issues affecting children and the community. Stacy Ross, Family Chiropractic Center, accepted the proclamation and thanked the Council for its support.

**b. Proclamation: Neurofibromatosis Awareness Month**

Councilmember Davidson read the proclamation, which urged all citizens to become better informed about neurofibromatosis, which affected over 100,000 Americans.

**c. Public Comments**

**Aaron Dolph**, voiced appreciation for the Kodiak Area Transit System, noting it provided a valuable service to the disabled.

**Christine Holland** thanked the Council for its work on Resolution No. 05-13, which was scheduled later in the meeting.

V. UNFINISHED BUSINESS

**a. Second Reading and Public Hearing, Ordinance No. 1188, Amending Kodiak City Code Section 18.28.065, Extending the Exemption Date for Auxiliary Vessel Moorage Charges**

Mayor Floyd read Ordinance No. 1188 by title. In July 2004, the City Council adopted Ordinance No. 1168a, amending section 18.28.065 of the City Code related to moorage fees for auxiliary vessels. The Port and Harbors Advisory Board (PHAB) had previously recommended that auxiliary vessels be charged a fee when in the harbor. As a result, Ordinance No. 1168a was adopted, which provided a fee exemption for auxiliary vessels during a specific time period. The PHAB reviewed the exemption dates affected by Ordinance No. 1168a and recommended a change to the dates that auxiliary vessels would be exempted from moorage fees. Ordinance No. 1188 extended the moorage fee exemption dates for auxiliary vessels. The auxiliary vessel section of the City Code would be reviewed by the PHAB later in the year, and additional recommendations for further revising that section of the City Code would be forwarded to the City Council.

Councilmember Davidson MOVED, seconded by Councilmember Rosales, to adopt Ordinance No. 1188.

Mayor Floyd closed the regular meeting, opened and closed the public hearing when no one came forward to testify, and reopened the regular meeting.

The roll call vote was Councilmembers Davidson, McMurry, Rosales, Walters, and Woodruff in favor. Councilmember Saravia was absent. The motion passed.

**b. Second Reading and Public Hearing, Ordinance No. 1189, Authorizing a GPS Monument Contract With Plate Boundary Observatory, UNAVCO, Inc.**

Mayor Floyd read Ordinance No. 1189 by title. The Plate Boundary Observatory (PBO), part of the EarthScope project funded by the National Science Foundation and conducted in partnership with the U. S. Geological Survey and NASA, requested approval to place a GPS monument on Near Island near the existing tower. The monument would measure ground shifts caused by earthquakes and measure slow fault slips between earthquakes at the site of the monument. Due to the length of the time the monument was expected to be in place, staff recommended approval of its placement by ordinance.

Councilmember Walters MOVED, seconded by Councilmember Woodruff, to adopt Ordinance No. 1189.

Mayor Floyd closed the regular meeting, opened and closed the public hearing when no one came forward to testify, and reopened the regular meeting.

The roll call vote was Councilmembers Davidson, McMurry, Rosales, Walters, and Woodruff in favor. Councilmember Saravia was absent. The motion passed.

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## VI. NEW BUSINESS

### **a. First Reading, Ordinance No. 1190, Amending Kodiak City Code 3.08.120 Pertaining to the Sales Tax Cap**

Mayor Floyd read Ordinance No. 1190 by title. The sales tax cap of \$500 for a single transaction was established in 1977. The City Council had previously adopted Ordinance No. 1171, which stepped up the sales tax cap over time. At the January 22nd planning work session, the Council directed staff to draft an ordinance that would fix the sales tax cap at the current \$750 for a single transaction and would eliminate the step up provisions of Ordinance No. 1171.

Councilmember Walters MOVED, seconded by Councilmember Woodruff, to pass Ordinance No. 1190 in the first reading and to advance to second reading and public hearing at the next regular meeting.

The roll call vote was Councilmembers Davidson, McMurry, Rosales, Walters, and Woodruff in favor. Councilmember Saravia was absent. The motion passed.

### **b. First Reading, Ordinance No. 1191, Authorizing a Lease of Space in the Port of Kodiak Pier I Building to Kodiak Area Chamber of Commerce, Inc.**

Mayor Floyd read Ordinance No. 1191 by title. Over the past twenty years, the Kodiak Chamber of Commerce had leased and managed the building located at Pier I (Ferry Terminal) from the City of Kodiak. The lease expired earlier in the year, and the City attorney revised the lease by deleting redundant material and including standard language to protect the City's interest. The new lease was for a ten-year term, with a ten-year renewal option.

Councilmember Rosales MOVED, seconded by Councilmember Walters, to pass Ordinance No. 1191 in first reading and to advance to second reading and public hearing at the next regular meeting.

The roll call vote was Councilmembers Davidson, McMurry, Rosales, Walters, and Woodruff in favor. Councilmember Saravia was absent. The motion passed.

### **c. Resolution No. 05-13, Urging the State of Alaska Legislature and Governor To Protect the Interest of Kodiak's Economic Welfare, Alaskan Fishermen's Independence, and the State's Rights, and To Address Other Issues Related to Gulf of Alaska Groundfish Fisheries**

Mayor Floyd read Resolution No. 05-13 by title. The Council had previously postponed indefinitely two resolutions related to Gulf of Alaska groundfish rationalization and/or Senate Bill 113. The intent of Resolution No. 05-13 was to express the Council's concerns about Gulf groundfish rationalization to the Alaska State Legislature and the Governor.

Councilmember Woodruff MOVED seconded by Councilmember Walters, to adopt Resolution No. 05-13.

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Councilmember Woodruff MOVED seconded by Councilmember Walters, to amend Resolution No. 05-13 by inserting a third Resolved clause as follows: BE IT FURTHER RESOLVED that the Commercial Fisheries Entry Commission, the Alaska Board of Fisheries, the Governor's Fisheries Policy Advisor, the Commissioner of the Alaska Department of Fish and Game, Senator Gary Stevens, and Representative Gabrielle LeDoux are called upon to conduct a town meeting in the City of Kodiak at a time conducive to participation by all affected fishermen, including but not limited to skippers, crew members, and vessel owners to hear and respond to concerns about rationalization of the Gulf of Alaska groundfish fishery.

The roll call vote on the amendment was Councilmembers Davidson, McMurry, Rosales, Walters, and Woodruff in favor. Councilmember Saravia was absent. The motion passed.

The roll call vote on the main motion as amended was Councilmembers Davidson, McMurry, Rosales, Walters, and Woodruff in favor. Councilmember Saravia was absent. The motion passed.

**d. Resolution No. 05-14, Urging the State of Alaska Department of Transportation To Transfer to the City of Kodiak Funding and Responsibility for the "Y" Intersection Project and Rezanof Drive From Cope Street to Carolyn Street**

Mayor Floyd read Resolution No. 05-14 by title. The resolution urged the Alaska Department of Transportation to transfer \$3.5 million dollars to the City of Kodiak for the reconstruction of the "Y" intersection. Upon transfer, the City of Kodiak would assume the responsibility for the reconstruction project and take ownership of Rezanof Drive from Cope Street to Carolyn Street.

Councilmember Rosales MOVED seconded by Councilmember Davidson, to adopt Resolution No. 05-14.

The roll call vote was Councilmembers Davidson, McMurry, Rosales, Walters, and Woodruff in favor. Councilmember Saravia was absent. The motion passed.

**e. Resolution No. 05-15, Authorizing the Issuance of a Permit to the Alaska Department of Fish and Game for Use of Public Property in Conjunction With the 2005 Kodiak Salmon Carnival**

Mayor Floyd read Resolution No. 05-15 by title. The resolution allowed the Alaska Department of Fish and Game (ADF&G) the use of the St. Paul Harbor spit for its annual Salmon Celebration on May 16-17, 2005, which included ADF&G's 40-foot aquatic education classroom.

Councilmember McMurry MOVED seconded by Councilmember Woodruff, to adopt Resolution No. 05-15.

The roll call vote was Councilmembers Davidson, McMurry, Rosales, Walters, and Woodruff in favor. Councilmember Saravia was absent. The motion passed.

**f. Authorization of Voluntary Suspension of Taxicab Permit No. 9**

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Antonio and Nelia Yamat, owners of Taxicab Permit No. 9, requested voluntary suspension of the permit from April 1 through September 30, 2005. Kodiak City Code allowed for the voluntary suspension of a single permit not to exceed six months in a calendar year, and the City Clerk recommended approval of the request.

Councilmember McMurry MOVED seconded by Councilmember Walters, to authorize the voluntary suspension of Taxicab Permit No. 9 for the period of April 1 through September 30, 2005.

The roll call vote was Councilmembers Davidson, McMurry, Rosales, Walters, and Woodruff in favor. Councilmember Saravia was absent. The motion passed.

## **VII. CITY MANAGER'S REPORT**

Manager Freed reported the Government Finance Officers Association (GFOA) Spring conference was held the week of April 13th in Kodiak. She said she had received many positive comments about the well-attended conference, and she thanked Finance Director Mary Munk and the Finance Department staff for their hard work in organizing the event. She reminded the Council of the budget work session on Saturday, April 30, 2005, and urged Councilmembers to review the cover memo prior to the meeting. She thanked the Finance Department for their hard work on the FY'06 budget document. She reported on the U.S. Postal Service public meeting about a new location for the post office, which had been held the previous evening. She expressed disappointment that more community members did not attend and informed the public if it wished to voice an opinion, people could contact either the Manager or the City Clerk's office, and the message would be relayed to the U.S. Postal Service.

## **VIII. MAYOR'S COMMENTS**

Mayor Floyd explained several organizations had held conferences and conventions in Kodiak during the past several weeks and more were expected in May. She reported on the AML Legislative trip, noting that she and Councilmembers Saravia and Woodruff had met with legislators to review the City's Capital Improvement Project list and to discuss Senate Bill 113, workers' compensation, and PERS and TERS. She reminded the community Spring Cleanup Day would be held Saturday, May 7th, and the City's annual cleanup project would begin the week of May 9<sup>th</sup> and would be held for two weeks. She noted the High School baseball team would be in Sitka and the track team in Homer over the weekend.

## **IX. COUNCIL COMMENTS**

Councilmember Woodruff reported Senate Bill 113 had passed to the Senate Finance Committee, and he hoped the City's resolution would prompt a town hall meeting in Kodiak on the ramifications of the bill. He thanked City staff for putting together the budget and noted there was plenty of fish coming to town.

Councilmember Davidson expressed appreciation to City staff and stated the City of Kodiak was one of the best run cities in the State.

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Councilmember Rosales urged residents to promote kids health from an early age to adulthood and stated it was important to get the "Y" project done.

**X. AUDIENCE COMMENTS**

City Clerk Marlar reported it was the last meeting that she would attend with Deputy Clerk Kirkpatrick. She expressed appreciation to Mrs. Kirkpatrick for her excellent work during the past 3 ½ years and wished her well in future endeavors.

**XI. ADJOURNMENT**

Mayor Floyd adjourned the meeting at 8:26 p.m.



CITY OF KODIAK

MAYOR

ATTEST:

CITY CLERK

Minutes Approved: May 12, 2005